

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/7/07

ABSA BANK LIMITED,

Plaintiff,

v.

H-N CUSTOMER REVENUE & ELECTRONIC  
EXPORTS, INC.,

Defendant.

07 CV 7782  
: ORDER TO SHOW CAUSE,  
: ~~ORDER OF ATTACHMENT~~, AND  
: TEMPORARY RESTRAINING  
: ORDER

Upon the Complaint filed in this Court dated August 31, 2007, the declaration of Michael R. Hepworth executed August 31, 2007, and upon all other pleadings and proceedings had herein, and plaintiff having duly moved the Court for an order of attachment and temporary restraining

pursuant to Fed. R. Civ. P. 64 and <sup>IN CAP 6210</sup> 65, and

It appearing that plaintiff is entitled to an order of attachment because the defendant is a nondomiciliary residing without the state, or is a foreign corporation not qualified to do business in the state, and

It further appearing that, unless the order of attachment requested herein is granted, plaintiff will suffer irreparable harm and injury in the form of significant financial losses, which it appears plaintiff will have little or no likelihood of recovery from defendants in an action at law, and

It further appearing that plaintiff is likely to succeed in proving its claim and that the balance of hardships tips in plaintiff's favor.

NOW, THEREFORE, it is

1. ORDERED that defendants show cause at the United States Court House, 500 Pearl Street, New York, New York, room 12A, at 12pm<sup>noon</sup> clock, or as soon thereafter as counsel can be heard, on the 5<sup>th</sup> day of September 2007, why an order should not be issued herein pursuant to Fed. R. Civ. P. 64 and NY CPLR 6210, attaching all securities or other property of defendants in the possession of Bank of America, New York, NY, or in the possession of any other person located within the State of New York.

2. ORDERED that, pending the determination of the motion for an order of attachment, ~~because plaintiff has shown a likelihood of success on the merits or would otherwise suffer irreparable harm and would otherwise be unable to enforce a judgment obtained against defendants,~~ a Temporary Restraining Order is hereby granted ~~(x)~~ enjoining defendants and their ~~successors, assigns, agents, officers, employees, attorneys, and all those acting in concert with~~ including any banks holding property of defendant on whom a copy of this order is served them or on their behalf, from conveying, transferring, or otherwise removing any personal or real property, sums of money, or other assets of defendants located within this State not to exceed a value or amount of \$890,006.37 ~~and (b) directing the attachment of all securities or other property of defendants in the possession of Bank of America, New York, N.Y. not to exceed a value or amount of \$890,006.37, such attachment to be effective upon service on Bank of America of this Order, pending the hearing on this order to show cause.~~ by September 4, 2007,

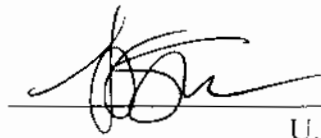
3. ORDERED that plaintiff shall file a bond (or otherwise bring or deposit into court an amount) in the amount of \$20,000 as security for the issuance of this temporary restraining order and that further decision on the amount of security to be deposited is reserved for hearing on plaintiff's motion for a preliminary injunction.

4. ORDERED that service of a copy of this order and the papers on which it is granted shall be made on defendant by hand, overnight delivery, or other means designed to give the most expedited notice, at any address for defendant that can be determined based on records of the bank account at the Bank of America in the name of defendant.

5. ORDERED that service of a copy of this order and the papers on which it is granted shall be made on Bank of America by hand, overnight delivery, or other means designed to give the most expedited notice.

6. ORDERED that: answering papers, if any, shall be served on DLA Piper US LLP, 1251 Avenue of the Americas, New York, New York 10020, attorneys for plaintiff, and courtesy copies to chambers, by hand or overnight mail, to be received not later than 4:00 p.m. on September 4, 2007.

Dated: New York, New York  
August 31, 2007



U.S.D.J.

LAURA TAYLOR SWAIN U.S.D.J. Part I